

Court No. - 87

Case :- APPLICATION U/S 482 No. - 39373 of 2024

Applicant :- Dharampal And 3 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Chandra Nath Bhatt

Counsel for Opposite Party :- G.A., Mahendra Kumar Singh Chauhan

Hon'ble Prashant Kumar, J.

1. Heard Shri Chandra Nath Bhatt, appearing for the applicants, Shri Mahendra Kumar Singh Chauhan, learned counsel for the opposite party no. 2, learned A.G.A. for the State and perused the records.

2. The instant application under Section 482 of Cr.P.C. has been filed by the applicants praying for quashing of the entire proceeding of Complaint Case No. 73 of 2024 (Surendra Singh @ Pappu Vs. Dharampal and others), pending in the Court of Judicial Magistrate Amroha, under section 323, 504 I.P.C., Police Station Rajabpur, District Amroha, as well as summoning order dated 06.06.2024 passed by the learned Judicial Magistrate, Amroha.

3. Learned counsel for the applicants submits that there was civil dispute between the parties wherein the applicant had given notice to the Opposite Party No. 2 to pay the composite extra value of the land exchanged between them and when the applicants demanded the same after exchange of the land, the same was not paid, and in counterblast, a complaint under section 156(3) Cr.P.C. with false and frivolous allegation was moved by the opposite party No. 2 on 21.10.2023 before the learned Magistrate. In which after recording the statement u/s 200 and 202 Cr.P.C. learned Magistrate has issued summons against the applicant vide order dated 06.06.2024 without appreciating the fact that it is a pure civil dispute and the present proceedings has been initiated by the Opposite Party No. 2 in counter blast. He further submits that present proceedings is nothing but pure abuse of process of law and needs to be quashed.

4. Matter requires consideration.

5. The opposite parties are granted four weeks' time to file counter affidavit and the applicant will have two weeks' thereafter to file rejoinder affidavit.

6. List on 08.07.2025.

7. Till then, no coercive action shall be taken against the applicant in the aforementioned case.

Order Date :- 25.4.2025

Bhanu